

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L BRUSSELS 001149

SIPDIS

NOFORN

E.O. 12958: DECL: 03/18/2015

TAGS: [PREL](#) [PGOV](#) [EAID](#) [ETRD](#) [HR](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: WHAT NEXT ON CROATIA'S EU ACCESSION NEGOTIATIONS

REF: A. HOLTZAPPLE-ENGLISH ET AL 3/17/2005 EMAIL

[1](#)B. LUXEMBOURG 250

[1](#)C. STATE 44531

Classified By: Rick Holtzapple, PolOff, Reasons 1.4 (B/D)

SUMMARY

[1](#)1. (C) As reported Ref A, EU Foreign Ministers on March 16 postponed opening of accession negotiations with Croatia. The General Affairs and External Relations Council Conclusions said negotiations would be opened "by common agreement as soon as the Council has established that Croatia is cooperating fully with the ICTY." But this issue will reappear on the EU agenda quickly, and continue reappearing, because the EU is unable to agree on a clear definition of what "full cooperation" with ICTY means, and how it should be assessed. END SUMMARY.

[1](#)2. (C) The decision to postpone accession negotiations was supported by a clear majority of Member States, including the UK, Germany, France and Italy, as well as the Commission. Malta, Cyprus and Lithuania joined those (Austria, Slovenia, Slovakia, Hungary) who have long been saying they were ready to open negotiations, while Ireland and Poland both sent signals about their readiness to reconsider the decision to postpone. But divisions within the EU were on nearly public display, with lots of spokesmen briefing on who took which side. To the "dismay" of those EU Members who urged the Council to send Croatia a strong and united message, Austria insisted on inserting language (stating the decision was taken "in the absence of common agreement") that revealed a division of views within the Council.

[1](#)3. (C/NF) The Luxembourg Presidency (FM Asselborn) at the GAERC insisted categorically that the issue would not be placed on the agenda of the March European Council on March 22-23, and sought to reinforce that message with the press at the GAERC's concluding press conference, claiming that PM Juncker agreed. But on March 18 we were told (strictly protect) that Austrian Chancellor Scheussel had already sent a letter the afternoon of March 16 to PM Juncker asking that accession negotiations with Croatia be put on the agenda of the March 22-23 European Council. (Croatian press is claiming five EU Member States in total have made such a request of Juncker.) We do not know whether Luxembourg has responded, but we understand from REF B that PM Juncker was disappointed the GAERC did not find a way to open negotiations with Croatia, and in press comments both Juncker and Asselborn have commented on their hope that "within a few weeks" a way could be found to begin negotiations. Given, however, that the same FMs who attended the GAERC will be at the European Council alongside their Prime Ministers, the most likely outcome of any Summit debate, if it happens, would be to reconfirm the EU's internal divisions on this issue (although, as one EU official put it to us, "the higher up you go, the less predictable it gets").

[1](#)4. (C) Assuming the EU's decision on March 22 remains unchanged, a key factor will be how the Luxembourg Presidency handles the issue for the rest of its Presidency. It will be under considerable pressure to further define what the EU means by full cooperation, and how and when the EU will define it. The general sentiment within the Council is that, while ICTY Prosecutor Del Ponte's opinion will be influential, the EU cannot sub-contract this judgement out to the ICTY. And even the hardest-line Member States (UK, Netherlands) have been unwilling to state as bluntly as the US (REF C) that only Gotovina's presence in The Hague can equal full cooperation.

[1](#)5. (C) EU sources note Del Ponte is scheduled to do a written report to the UN in late May, followed by an in-person presentation to the UNSC on June 13. The UK and others will likely signal that, in the absence of dramatic new measures by the Croatian government or the resolution of this issue by means of Gotovina's appearance in The Hague, there is little point in reassessing Croatia's performance until after Del Ponte's next report. This could mean including it on the agenda of the European Council (Summit) on June 16-17, but would, we hope, mean no further consideration until the first GAERC of the British Presidency in July. Given Austrian behavior to date, however, we expect they will take a stab at

forcing the issue at each month's GAERC, as well as next week's Summit.

SCHNABEL

.